

137 S. Ct. 1843, 1855–56 (2017). “[A] plaintiff must plead that each Government-official defendant, through the official’s own individual actions, has violated the Constitution.” *Ashcroft v. Iqbal*, 556 U.S. 662, 676 (2009). To satisfy this requirement, a plaintiff must state specific facts about what each defendant did, personally, that violated his constitutional rights. Perdue also is advised that a supervisor cannot be held automatically liable for the alleged constitutional violations of an employee.

Perdue’s Complaint does not indicate what each of the named defendants did, individually, to violate his personal constitutional rights. In fact, two of the defendants’ names are mentioned only in the heading of the Complaint, and the other is mentioned only for a verbal statement. The Complaint provides no facts about their personal involvement with Perdue or the particular actions that he claims each of them undertook that deprived him of constitutionally protected rights. The Amended Complaint should correct these deficiencies and should also provide a chronological description of what happened—stating the dates, times and events on which Perdue bases his *Bivens* claims (i.e. the story of what happened to him).

To provide a complete statement of the claims and the facts in support, it is hereby **ORDERED** that Perdue is **DIRECTED** to file, within 30 days from the date of the entry of this Order, an Amended Complaint (***see Amended Complaint form included***) that (a) must be a new pleading that stands by itself without reference to any prior complaint or attachment(s); (b) must state specific *facts*, with a chronology of events including dates, about what each defendant did, or did not do, personally, that violated plaintiff’s rights; and (c) must provide facts about what harm the defendants’ alleged actions caused to Perdue. FAILURE TO FILE AN AMENDED COMPLAINT IN THIS CASE WITHIN 30 DAYS FROM THE DATE OF THIS ORDER, TO CORRECT THE NOTED DEFICIENCIES, SHALL RESULT IN DISMISSAL OF THE COMPLAINT.

The Clerk will send a copy of this Order to the plaintiff, along with an Amended Complaint form.

ENTERED: November 9, 2021.

/s/ *Pamela Meade Sargent*
UNITED STATES MAGISTRATE JUDGE

Jones _____
District Judge
Assign. by Clerk's Ofc.

****AMENDED COMPLAINT****
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

Sargent _____
Mag. Referral Judge
Assign. by Clerk's Ofc.

For use by Inmates filing a Complaint under

**CIVIL RIGHTS ACT, 42 U.S.C. §1983 or BIVENS v. SIX UNKNOWN NAMED AGENTS
OF FED. BUREAU OF NARCOTICS, 403 U.S.C. §388 (1971)**

Jasper Perdue _____

14755-040 _____

Plaintiff full name

Inmate No.

v. _____

CIVIL ACTION NO. _____

7:21-cv-00239

(Assigned by Clerk's Office)

Defendant(s) full name(s) _____

The mailing address you provide at A: "where are you now?" is where the court will send mail to you

A. Where are you now? Facility and Mailing Address _____

B. Where did this action take place? _____

C. Have you begun an action in state or federal court dealing with the same facts involved in this complaint?

_____ Yes _____ No

If your answer to A is Yes, answer the following:

1. Court: _____

2. Case Number: _____

D. Have you filed any grievances regarding the facts of this complaint?

_____ Yes _____ No

1. If your answer is Yes, indicate the result:

2. If your answer is No, indicate why: _____

- E. Statement of Claim(s): State briefly the facts in this complaint. Describe what action(s) each defendant took in violation of your federal rights and include the relevant dates and places. **Do not give any legal arguments or cite any cases or statutes.** If necessary, you may attach additional page(s). Please write legibly.

Claim #1 – Supporting Facts – Briefly tell your story without citing cases or law:

Claim #2 – Supporting Facts – Briefly tell your story without citing cases or law:

- F. State what relief you seek from the Court. Make no legal arguments and cite no cases or statutes.

- G. If this case goes to trial do you request a trial by jury? Yes _____ No _____

- H. If I am released or transferred, I understand it is my responsibility to immediately notify the court in writing of any change of address **after** I have been released or transferred or my case may be dismissed.

DATED: _____ SIGNATURE: _____

VERIFICATION:

I, _____, state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of the filing fees. I declare under penalty of perjury the foregoing to be true and correct.

DATED: _____ SIGNATURE: _____